



Illinois Workers' Compensation Commission

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Pat Quinn, Governor

Michael Latz, Chairman

TO: Parties appearing before the Illinois Workers' Compensation Commission

FROM: Chairman Michael Latz

RE: House Bill 3390 – Public Act 98-40

DATE: July 1, 2013

On Friday, Governor Quinn signed into law House Bill 3390 as Public Act 98-40. This Public Act takes effect on June 28, 2013, the day it was signed by the Governor. A copy of the Public Act is available at www.ilga.gov.

Two changes set forth in P.A. 98-40 affect the practice of parties before the Commission. First, the legislation amends Section 9 of the Workers' Compensation Act to provide as follows:

Prior to approval of any pro se Settlement Contract Lump Sum Petition, the Commission or an Arbitrator thereof shall determine if the unrepresented employee, if present, is able to read and communicate in English. If not, it shall be the responsibility of the Commission to provide a qualified, independent interpreter at the time such Petition is heard, unless the employee has provided his or her own interpreter.

The Arbitrators and Commissioners have been informed that all requests for an interpreter should be directed to the Chairman's office for scheduling. I also ask that any respondents who anticipate the need for an interpreter for a pro se settlement contract to contact the Chairman's office in advance of when such settlement contract will be presented in order to facilitate the scheduling of an interpreter in a timely manner.

Second, P.A. 98-40 amends Section 19 of the Act to provide that parties seeking to appeal their Commission decision to the Circuit Court must file with the Commission a "Notice of the Intent to File for Review in Circuit Court." This change replaces the prior requirement that parties must obtain a "certified receipt" showing that the probable cost of the record had been paid to the Commission. This change applies to all Commission decisions entered after the effective date of P.A. 98-40, which is June 28, 2013.

The Commission has created form IC-25 for the Notice of the Intent to File for Review in Circuit Court to be used by parties. It has been posted on the Commission's website. Please prepare two copies of this form and file stamp them at the Commission's Docket desk. Similar to the prior version of Section 19, parties may choose to file with their appeal to the Circuit Court an affidavit stating that a Notice of Intent to File for Review has been given in writing to the Commission. If you utilize this option, please send two copies of the completed form IC-25 to the attention of the Commission's Chicago Information Department, along with a self-addressed stamped envelope so that a file-stamped copy can be returned to you.

Thank you for your cooperation in facilitating the implementation of P.A. 98-40.